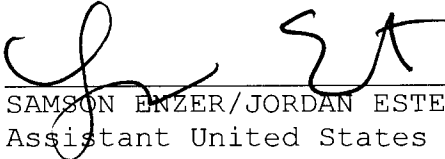
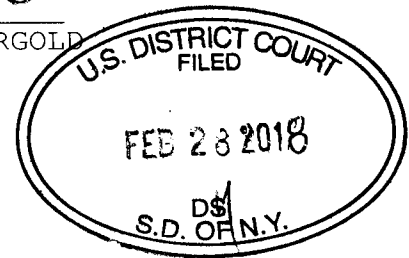


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Approved: SAMSON ENZER/JORDAN ESTES/JASON SWERGOLD
Assistant United States AttorneysBefore: THE HONORABLE GABRIEL W. GORENSTEIN
United States Magistrate Judge
Southern District of New York

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SEALED COMPLAINT

UNITED STATES OF AMERICA :

- v. - :

Violation of

: 18 U.S.C. § 1073

PHILIP GURIAN, :

: COUNTY OF OFFENSE:
MANHATTAN

Defendant. :

----- x

DOC # 1

SOUTHERN DISTRICT OF NEW YORK, ss.:

KEVIN RIORDAN, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, and charges as follows:

COUNT ONE

1. In or about February 2018, in the Southern District of New York and elsewhere, PHILIP GURIAN, the defendant, moved and traveled in interstate and foreign commerce with intent to avoid giving testimony in a criminal proceeding in such place in which the commission of an offense which is a felony under the laws of such place is charged.

(Title 18, United States Code, Section 1073.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I am one of the case agents with primary responsibility for the criminal case captioned *United States v. Delligatti*, S8 15 Cr. 491 (KBF), which is being prosecuted in the Southern District of New York. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses and others, as

well as my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

THE DELLIGATTI CASE

3. On or about October 7, 2015, a grand jury in this District returned a Superseding Indictment charging Salvatore Delligatti, among others, with murder-for-hire conspiracy, in violation of Title 18, United States Code, Section 1958, and a firearms offense in connection with the murder-for-hire conspiracy, in violation of Title 18, United States Code, Section 924(c).

4. On or about February 12, 2016, PHILIP GURIAN, the defendant, met with me and other law enforcement officers to discuss the *Delligatti* matter.

5. On or about April 4, 2016, PHILIP GURIAN, the defendant, met with me and other law enforcement officers to discuss the *Delligatti* matter.

6. On or about April 26, 2016, PHILIP GURIAN, the defendant, testified before a grand jury in this District.

7. During the course of the meetings in 2016 between PHILIP GURIAN, the defendant, and the Government, the Government repeatedly advised GURIAN that he could be called as a witness in the *Delligatti* matter if it went to trial.

8. On or about May 11, 2016, a grand jury in this District returned a Superseding Indictment charging Delligatti in six counts with: (1) racketeering conspiracy, in violation of Title 18, United States Code, Section 1962; (2) conspiracy to commit murder in aid of racketeering, in violation of Title 18, United States Code, Section 1959; (3) attempted murder in aid of racketeering, in violation of Title 18, United States Code, Section 1959; (4) murder-for-hire conspiracy, in violation of Title 18, United States Code, Section 1958, (5) conducting an illegal gambling operation, in violation of Title 18, United States Code, Section 1955; and (6) a firearms offense, in violation of Title 18, United States Code, Section 924(c). On May 25, 2017, a grand jury in this District returned a Superseding Indictment containing the same charges against Delligatti.

9. Trial in *United States v. Salvatore Delligatti*, S8 15 Cr. 491 (KBF), is scheduled to begin on March 12, 2018.

TRIAL PREPARATION

10. In preparation for trial, an Assistant United States Attorney (the "AUSA") attempted to serve a trial subpoena on the attorney ("Attorney-1") who represented PHILIP GURIAN, the defendant, in April 2016, but Attorney-1 advised that he was not authorized to accept service on behalf of GURIAN. Attorney-1 also advised the AUSA to reach out to GURIAN directly on his cellphone.

11. In or about January and February 2018, the AUSA spoke to PHILIP GURIAN, the defendant, multiple times over the phone about scheduling a meeting to prepare for his testimony at trial. GURIAN would not provide a date when he would be available to meet.

12. On or about February 8, 2018, Attorney-1 and the AUSA had a telephone conversation. During the conversation, the AUSA told Attorney-1 of the specific dates of the *Delligatti* trial. Attorney-1 told the AUSA that PHILIP GURIAN, the defendant, was reluctant to testify in the *Delligatti* trial because of safety concerns.

13. On or about February 8, 2018, PHILIP GURIAN, the defendant, left a voicemail for the AUSA, from his cellphone. In the voicemail, GURIAN expressed his reluctance to testify in the *Delligatti* trial.

14. On or about February 12, 2018, an FBI agent ("Agent-1") based in Florida attempted to serve a trial subpoena on PHILIP GURIAN, the defendant, his place of residence. No one answered the door. A friend of the wife approached the residence and called the wife on behalf of Agent-1. Agent-1 and GURIAN's wife then spoke over the phone. GURIAN's wife told Agent-1, in sum and substance, that Gurian had left the country. GURIAN's wife refused to further speak to Agent-1 about GURIAN's whereabouts. Agent-1 was thus unable to serve a trial subpoena on GURIAN.

15. On or about February 14, 2018, the AUSA attempted to contact PHILIP GURIAN, the defendant, twice on his cellphone. GURIAN did not answer either call.

16. On or about February 16, 2018, the Honorable Katherine B. Forrest issued an order requiring the service provider for GURIAN's cellphone to provide precision location data for GURIAN's

cellphone. The precision location data indicates that GURIAN's cellphone is now connecting with the telephone network for Batelco, the local phone carrier for The Bahamas.¹

17. Based on my discussions with other law enforcement officers, I know that GURIAN's wife and young child boarded a flight to The Bahamas on or about February 12, 2018.

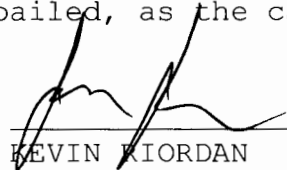
18. Based on my review of the criminal history records of PHILIP GURIAN, the defendant, and court records, as well as my conversations with PHILIP GURIAN, the defendant, I know that Gurian has previously fled the country in connection with court proceedings. Specifically:

a. In or about June 1999, PHILIP GURIAN, the defendant, was charged in the Middle District of Florida with, among other things, conspiracy to commit securities fraud, mail fraud, and wire fraud. After learning of his indictment, GURIAN fled to the Bahamas, then to Cuba, then back to the Bahamas, and then to Europe, where he was eventually arrested in Switzerland.

b. In or about 2007, the Honorable Victor Marrero ordered GURIAN to pay approximately \$8.5 million in connection with a civil case. Instead of complying with the order, GURIAN fled to Canada. He was eventually deported back to the United States. After his deportation, he was incarcerated at the MDC until he complied with Judge Marrero's order.

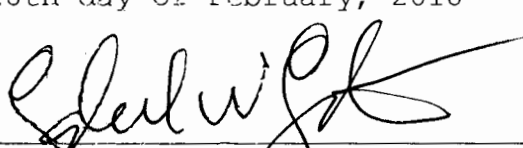
¹Notably, a review of commercial flight records shows that GURIAN did not use a commercial airline carrier when leaving the country. Based on my training and experience, I know that individuals attempting to evade law enforcement may use private carriers or other means of transportation to flee the jurisdiction.

WHEREFORE, deponent respectfully requests that a warrant issue for the arrest of PHILIP GURIAN, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



KEVIN RIORDAN
Special Agent
Federal Bureau of Investigation

Sworn to before me this
28th day of February, 2018



THE HONORABLE GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

2